

REMARKS

Favorable reconsideration of this application, in light of the following discussion, is respectfully requested.

Claims 1, 3-26, and 28 are currently pending. No claims have been amended herewith.

In the outstanding Office Action, Claims 1-26 and 28 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,678,135 to Fukui et al. (hereinafter “the ‘135 patent”) in view of U.S. Patent Application Publication No. 2002/0140966 to Meade, II et al. (hereinafter “the ‘966 application”) and U.S. Patent Application Publication No. 2002/0054326 to Morita (hereinafter “the ‘326 application”).

REJECTION UNDER 35 U.S.C. § 103

Previously presented Claim 1 is directed to

[a]n image forming apparatus including hardware resources used for image formation, an application for performing processes on the image formation, and a platform that exists between the application and the hardware resources, the platform including an OS and at least one control service to control an execution of each requested processing of the hardware resources according to a function call from the application, wherein interprocess communication is performed between the control service and the application, and a new application that performs interprocess communication with the control service in the same way as the application can be installed in the image forming apparatus, the image forming apparatus comprising:

an installed application storage part;

an application information obtaining part configured to obtain, from the new application, application information of the new application that includes information indicating whether the new application is installable in the installed application storage part; and

a determination part configured to determine whether the new application is installable in the installed application storage part based on the application information.

Regarding the rejection of Claim 1 under 35 U.S.C. § 103(a), the '135 patent is directed to an image forming apparatus for a multiplex copying system. In particular, the Office Action appears to cite the '135 nonvolatile RAM 629 or 614 of the copier body 301 for teaching the claimed "installed application storage part";¹ the '135 managing unit 2203 and procedure in which the managing unit 2203 supplies updating programs for teaching the claimed "application information obtaining part configured to obtain, from the new application, application information";² and the '135 identification code that is used to communicate the version information of the additional function for teaching the claimed "application information."³

Further, with respect to the claimed "new application," the Office Action appears to cite (1) "an application or software program that causes the sorter to send information regarding programs and version information to be obtained by the copier body,"⁴ (2) the updating programs for the copier body 301 to control a sorter 303,⁵ and (3) the additional function (i.e., the sorter 303),⁶ although it is unclear as to which of the asserted new applications is being relied upon in the rejection of Claim 1. Clarification is respectfully requested.

However, it is respectfully submitted that the '135 patent fails to disclose an application information obtaining part configured to obtain, from the new application, application information of the new application that includes information indicating whether the new application is installable in the installed application storage part. Rather, as

¹ See Office Action dated January 15, 2009, page 7.

² Id.

³ Id. at page 8.

⁴ Id. at page 3.

⁵ Id. at pages 3 and 4.

⁶ Id. at page 7 and 8.

cited in the Office Action, the '135 patent simply discusses that the sorter 303 sends a unique ID code representative of the type of the sorter 303 and sorter control program to the copier body 301 over a serial communication line. The '135 copier body 301 determines whether or not it can control the sorter 303 on the basis of the received ID code and its own version code. If the result of this decision is negative, the '135 copier body 301 sends to a CCU 2201 or the sorter 303 an updating program send request. The CCU 2201 or the sorter 303 sends selected updating programs to the copier body 301. Further, the '135 copier body 301 writes the updating programs in the nonvolatile RAM 629 or 614.⁷

The '135 patent does not disclose that any of the asserted “new applications,” i.e., (1) “an application or software program that causes the sorter to send information regarding programs and version information to be obtained by the copier body,” (2) the updating programs for the copier body 301 to control a sorter 303, and (3) the additional function (i.e., the sorter 303) is a new application from which application information is obtained and that is installable in an installed application storage part. Specifically, it is noted that the '135 patent does not disclose that the asserted “application or software program that causes the sorter to send information...” *is installable in the '135 nonvolatile RAM 629 or 614* (i.e., the asserted installed application storage part); the '135 patent does not disclose obtaining, from the asserted updating programs, the identification code (i.e., the asserted “application information”); and that the sorter 303 itself is *installable in the '135 nonvolatile RAM 629 or 614*. Thus, the '135 patent does not disclose the application information obtaining part defined in Claim 1.

Moreover, it is respectfully submitted that the '966 and '326 applications fail to remedy the deficiencies of the '135 patent, as discussed above. That is, the '966 and '326 applications do not disclose an application information obtaining part configured to obtain,

⁷ See '135 patent, column 15, lines 5-40 and column 17, lines 29-61.

from the new application, application information of the new application that includes information indicating whether the new application is installable in the installed application storage part. Further, the Office Action does not rely on the '966 and '326 applications for those deficiencies.

Thus, no matter how the teachings of the '135 patent, the '966 application, and the '326 application are combined, the combination does not teach or suggest the application information obtaining part defined in Claim 1. Accordingly, Applicants respectfully traverse the rejection of Claim 1 (and all associated dependent claims) as being unpatentable over the '135 patent, the '966 application, and the '326 application.

Previously presented Claims 15 and 28 recite, in part,

[[a]] method for installing applications in an image forming apparatus an image forming apparatus including hardware resources used for image formation, an application for performing processes on the image formation, and a platform that exists between the application and the hardware resources, the platform including an OS and at least one control service to control an execution of each requested processing of the hardware resources according to a function call from the application, wherein interprocess communication is performed between the control service and the application, and a new application that performs interprocess communication with the control service in the same way as the application can be installed in the image forming apparatus, the method comprising:

obtaining, from the new application, application information of the new application that includes information indicating whether the new application is installable in the image forming apparatus.

As noted above, the '135 patent, the '966 application, and the '326 application, alone or in proper combination, fail to disclose the application information obtaining part recited in Claim 1. Thus, the '135 patent, the '966 application, and the '326 application fail to disclose the steps of obtaining recited in Claims 15 and 28, respectively. Accordingly, Applicants

respectfully traverse the rejections of Claims 15 and 28 (and all associated dependent claims) as being unpatentable over the '135 patent, the '966 application, and the '326 application.

Accordingly, should the Examiner wish to maintain the rejections of independent Claims 1, 15, and 28, it is respectfully requested that the Examiner provide references disclosing each limitation in every claim. Further, it is respectfully requested that the rejections specifically point out, such as by column and line number, where in each reference each limitation of the claims can be found.

CONCLUSION

Thus, it is respectfully submitted that independent Claims 1, 15, and 28 (and all associated dependent claims) patentably define over any proper combination of the '135 patent, the '966 application, and the '326 application.

Consequently, in light of the above discussion, the outstanding grounds for rejection are believed to have been overcome. The application as amended herewith is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

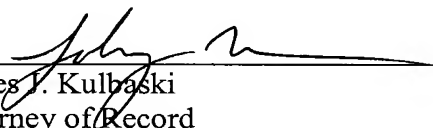
Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 03/06)



James J. Kulbaski
Attorney of Record
Registration No. 34,648

Johnny Ma
Registration No. 59,976